



ATTORNEY DOCKET NO. PARE 2002.01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Balint et al.**

Serial No.: **09/526,106**

Filed: **March 15, 2000**

For: **INTERACTION-ACTIVATED PROTEINS**

) Examiner: T. Wessendorf

) Art Unit: 1643

) **RESPONSE TO RESTRICTION**
) **REQUIREMENT**

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Restriction Requirement mailed July 3, 2001 and is submitted by the extended due date of January 3, 2002, the time period for response having been extended by the attached Petition for Extension of Time and the required fee. Reconsideration is requested.

Election/Restriction

Restriction to one of the following inventions is required under 35 USC 121:

- I. Claims 1-21, drawn to a method of identifying a functional fragment pair in a protein, classified in class 435, subclass 7.1.
- II. Claims 22-24, drawn to a fragment complementation system, classified in class 530, subclass 350+.
- III. Claims 25-41, drawn to a fragment complementation system using a linker, classified in class 530, subclass 399+.
- IV. Claims 42-50, drawn to expression cassette and host cells, classified in class 435, subclass 252.3+.
- V. Claim 51, drawn to a method of identifying epitopes that bind to Ig, classified in class 435, subclass 399+.
- VI. Claims 52-54, drawn to a method of identifying interactions between an extracellular domain of a transmembrane protein and a polypeptide, classified in class 435, subclass 7.1.
- VII. Claims 55-57, drawn to a method of monitoring occurrence of protein-protein interactions, classified in class 435, subclass 7.1.
- VIII. Claims 58-60, drawn to a method of high-throughput identification of compounds, classified

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on Jan 3, 2002.

Signature: Robert Pattison

Printed Name: Robert Pattison

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- IX. in class 435, subclass 4+.
Claim 61, drawn to a method of activating Beta-lactam of an anti-tumor compound in a host, classified in class 514, subclass 2+.

Applicants respectfully traverse the restriction between Groups II and III.

The claims of Group II are necessarily related to the claims of Group III

Applicant agrees with the Examiner's position that the claims of Groups II and III are drawn to patentably distinct inventions. However, the fragment complementation system recited in the claims of Groups II and III are necessarily related and should be examined together in a single application. The claims of Group II comprise a fragment complementation system wherein the N and C-terminal fragments reassemble to form a functional marker protein. The claims of Group II comprise a fragment complementation system that utilizes a flexible linker but wherein reconstitution of the fragment pairs results in the reassembly of a functional marker protein. Claim 25 (Group III) includes the same system as Claim 22 (Group II) but with further limitations. Conversely, the system recited in claim 22 does not exclude the system recited in Claim 25, therefore the system of Group III could necessarily be practiced while using the system of Group II. Thus, the complementation system of Group III can not be used without using the complementation system of Group II. Therefore, the claims in Group II and Group III recite the same system and should be examined together in a single application. Accordingly, the Examiner is respectfully requested to withdraw the restriction requirement between Group II and III.

In order to be fully responsive to the restriction requirement; Applicants elect Group II.

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CONCLUSION

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (650) 328-4400.

Respectfully submitted,

Date: 1/3-02

Koren Anderson

Koren J. Anderson, Ph.D.
Reg. No. P-51,061

Rae-Venter Law Group, P.C.
P.O. Box 60039
Palo Alto, CA 94306
Telephone: (650) 328-4400
Facsimile: (650) 328-4477

BRV/KJA